

Senate Transportation Committee Amendment No. 1

Amendment No. 2 to SB0389

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Comm. Amdt. _____

AMEND Senate Bill No. 389*

House Bill No. 532

By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 8, is amended by adding the following language as a new, appropriately designated part:

Section 55-8-201. Short title.

This part shall be known and may be cited as the "Passenger Contract Carrier Safety Act of 2002".

Section 55-8-202. Regulations governing contract passenger carriers.

(a) Except as provided in subsection (b), all passenger contract carriers regularly transporting passengers within or through the state of Tennessee who operate vehicles with a seating capacity of less than eight (8) passengers, excluding the driver, and employing more than five (5) drivers must comply with the minimum safety standards established by this part.

(b) This part does not apply to:

(1) A person who makes a single daily round trip to commute to and from work;

(2) A person transporting only school children and teachers;

(3) A person operating an ambulance or funeral service;

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(4) A person who, on occasion and not as a regular business enterprise, transports one (1) or more passengers for pay;

(5) A person operating a stretched-sedan type limousine;

(6) A person operating a taxicab service for the general public using vehicles with a seating capacity of fewer than seven (7) passengers;

(7) Any public nonprofit or private nonprofit that provides transportation to the general public or to a specific client group; or

(8) Any entity licensed under title 55, chapter 17, operating a courtesy van or other motor vehicle.

Section 55-8-203. Driver qualifications.

(a)

(1) Every passenger contract carrier covered pursuant to § 55-8-201 shall employ only drivers who have been examined for hearing, vision and any medical condition or drug use, either legal or illegal, which could cause impairment while driving.

(2) Such drivers must be re-examined every three (3) years to determine whether their hearing and vision is sufficient for operation of a commercial passenger vehicle and that no medical condition exists which would make them unsuitable for such employment.

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(3) A minimum of twenty-five percent (25%) of the drivers of any covered passenger contract carrier shall be re-examined annually on a random basis for illegal drug use.

(b) The passenger contract carrier shall preserve and maintain records of examinations conducted pursuant to the provisions of this section at their registered place of business in Tennessee.

Section 55-8-204. Hours of service.

(a) A passenger contract carrier shall not permit, or require, any driver to remain on duty, and the driver shall not drive:

(1) More than twelve (12) hours following eight (8) consecutive hours off;

(2) If the driver's combined on-duty and drive time hours equal fifteen (15) hours since last obtaining eight (8) consecutive hours off-duty time; or

(3) If the total number of hours of on-duty time and drive time exceed seventy (70) hours in any period of eight (8) consecutive days.

However, in the event of an emergency or unforeseeable delay, a driver may drive for up to two (2) additional hours to complete an assignment or to deliver passengers to a safe location.

(b) For purposes of this section:

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(1) Time spent driving a transport vehicle is considered time on duty even if no passengers are aboard the vehicle.

(2) Time spent performing any other service for the passenger contract carrier, or an associated business, during a twenty-four (24) hour period in which the transport vehicle driver is engaged in, or connected with, the movement of a transport vehicle is considered time on-duty.

(c) The passenger contract carrier shall maintain, and retain, for a period of six (6) months, accurate time records showing:

(1) The time the driver reports for duty each day;

(2) The total number of hours the driver is on-duty each day; and

(3) The time the driver is released from duty each day.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.